

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DEBORAH RIDDLE GARCIA, §
individually, as next of kin of §
Madge Glenna Riddle and §
as personal representative of the §
Estate of Madge Glenna Riddle, §
§
Plaintiff, § Civil Action No. 13-CV-037(JKW)
§
v.
§
STATE FARM FIRE & CASUALTY §
COMPANY, §
§
Defendant. §

NOTICE OF REMOVAL

Defendant State Farm Fire & Casualty Company (“State Farm”), pursuant to 28 U.S.C. § 1441, files this Notice of Removal to remove this civil action from the Circuit Court for the Third Judicial District of Tennessee, at Greeneville, Tennessee, to the United States District Court for the Eastern District of Tennessee, Greeneville Division. In support of this Notice of Removal, State Farm states:

I. REMOVAL IS TIMELY

1. Plaintiff initiated this case by filing a Complaint with the Circuit Court for the Third Judicial District of Tennessee on January 30, 2013. (See Compl. (copy included with Ex. A.) State Farm accepted service of the Complaint and a Summons on February 4, 2013. (See Summons (copy included with Ex. A.) State Farm's acceptance of service on February 4, 2013, was the first receipt by, or service on, State Farm of the Complaint or a Summons for this case.

2. State Farm files this Notice of Removal within thirty (30) days of receipt of the Complaint. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

II. THIS COURT HAS DIVERSITY JURISDICTION

3. Plaintiff Deborah Riddle Garcia is a citizen of Jupiter, Florida. (Compl. ¶ 1.)

4. Plaintiff, in her capacity as personal representative of the Estate of Madge Glenna Riddle, is deemed to be a citizen of the same state as Madge Glenna Riddle, deceased, pursuant to 28 U.S.C. § 1332(c)(2). Ms. Riddle's estate is pending in the Probate Court for Greene County, Tennessee, and documents filed with the Court in that matter evidence that Ms. Riddle was a citizen of Tennessee at the time of her death. (See Ex. B.)

5. State Farm is an Illinois corporation with its principal place of business in Bloomington, Illinois. (See Compl. ¶ 2; Ex. C.) State Farm is not a corporate citizen of Tennessee.

6. Complete diversity of citizenship exists between Plaintiff and State Farm for purposes of this Court's exercise of original jurisdiction under 28 U.S.C. § 1332.

7. Plaintiff claims damages against State Farm under the provisions of a homeowners insurance policy or the provisions of a rental dwelling policy, or both, "in an amount not to exceed \$200,000.00." (Compl. at 3.) In addition, Plaintiff claims treble damages and attorneys' fees against State Farm pursuant to the Tennessee Consumer Protection Act. (Id.) The allegations in the Complaint evidence that more than \$75,000.00, exclusive of interest and costs, is in controversy.

III. THIS NOTICE OF REMOVAL IS PROCEDURALLY CORRECT

8. Pursuant to 28 U.S.C. § 1446(a), State Farm is attaching to this Notice of Removal a copy of the complete state court record from the Circuit Court for the Third Judicial District of Tennessee, at Greeneville, Tennessee. (See Ex. A.)

9. The state court from which this action is removed—Circuit Court for the Third Judicial District of Tennessee at Greeneville, Tennessee—is within this Court’s federal district and division. Therefore, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a).

10. State Farm will promptly provide written notice of the removal of this action to Plaintiff and the Circuit Court for the Third Judicial District of Tennessee by filing a Notice of Filing Notice of Removal, together with a copy of this Notice of Removal, and by serving the same on counsel for Plaintiff, as provided under 28 U.S.C. § 1446(d).

WHEREFORE, based upon the foregoing, State Farm removes this action from the Circuit Court for the Third Judicial District of Tennessee, at Greeneville, Tennessee, to the United States District Court for the Eastern District of Tennessee, Greeneville Division.

Respectfully submitted,

s/ Chad E. Wallace (BPR No. 021741)
Chad E. Wallace, BPR No. 021741
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
100 Med Tech Parkway, Suite 200
P.O. Box 3038
Johnson City, Tennessee 37602
Telephone: 423-928-0181
Facsimile: 423-928-5694
Email: cwallace@bakerdonelson.com

*Attorney for Defendant State Farm
Fire and Casualty Company*

CERTIFICATE OF SERVICE

I hereby certify that I have on February 25, 2013, caused a copy of the foregoing to be filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Deborah Riddle Garcia
134 Lands End Way
Jupiter, Florida 33458

s/ Chad E. Wallace (BPR No. 021741)
Chad E. Wallace, BPR No. 021741
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
100 Med Tech Parkway, Suite 200
P.O. Box 3038
Johnson City, Tennessee 37602
Telephone: 423-928-0181
Facsimile: 423-928-5694
Email: cwallace@bakerdonelson.com